

Joint Standing Committee on Agriculture, Conservation and Forestry

LD 253 **An Act Concerning Entry to Investigate Private Property for the Purpose of Forestry Examinations** **PUBLIC 694**

<u>Sponsor(s)</u> SNOWE-MELLO BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-975
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LD 253 proposed requiring that agents of the Department of Conservation, Bureau of Forestry obtain a search warrant prior to entering onto private land to investigate possible forest practices violations, unless the agent has the consent of the landowner. In the second session, this bill was rereferred to the Joint Standing Committee on Judiciary. (See bill summaries for that committee).

LD 289 **Resolve, to Establish the Committee to Study Maine Forest Practices** **ONTP**

<u>Sponsor(s)</u> DEXTER CASSIDY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 289 proposed establishing the Committee to Study Maine's Forest Practices. This resolve directed the committee to review forest practices in Maine, to examine forest practices in other states, to analyze trends in sustainability and the structure of the forest and to develop a new forest policy for the State using, as a baseline, Public Law 1989, chapter 555, "An Act to Implement Sound Forest Practices".

LD 968 **An Act to Require Recommended Silvicultural Stocking Standards on Land Ownerships Enrolled under the Tree Growth Tax Laws** **ONTP**

<u>Sponsor(s)</u> VOLENIK	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 968 proposed requiring land enrolled under Tree Growth Tax Law to meet certain established stocking standards for growing stock remaining on a site after a harvest. It proposed requiring the Commissioner of Conservation to adopt major substantive rules to establish the standards and specifying that the standards use basal area as a measure of stocking. It proposed provisions for the Commissioner of Conservation to grant a variance when compliance with the standards would cause unusual hardship. It proposed subjecting a landowner who failed to comply with stocking standards to fines and penalties and making that landowner's land ineligible for enrollment under Tree Growth.

LD 1200 **An Act to Reform the Maine Tree Growth Tax Law** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	ONTP MAJ OTP-AM MIN	

LD 1200 proposed specific criteria for forest management plans prepared for land qualifying for tree growth classification under the Maine Tree Growth Tax Law. This bill also proposed requiring the Maine Forest Service to conduct periodic, random audits to determine compliance with the plans, and to report the results to the State Tax Assessor. Noncompliance would result in withdrawal of the land from tree growth classification and associated penalties.

Committee Amendment "A" (H-105) was the minority report. It proposed adding an appropriation section and a fiscal note to the bill.

LD 1232 An Act to Provide Relief from Barking Dogs ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMALL	ONTP	

LD 1232 proposed requiring municipalities to adopt ordinances to address the problem presented by barking dogs.

During the 1st Session, Committee Amendment "A" (S-138) proposed replacing the original bill. It would have made keeping a dog that repeatedly disturbs people a civil violation subject to a fine.

Committee Amendment "A" was adopted in the Senate during the 1st session. The bill was subsequently recommitted to the Joint Standing Committee on Agriculture, Conservation and Forestry and carried over until the 2nd Regular Session of the 118th Legislature. In the 2nd session, the committee report on LD 1232 was a unanimous "Ought Not to Pass."

LD 1311 An Act to Prohibit Clear-cutting ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	ONTP	

LD 1311 proposed amending the laws governing forest practices by prohibiting clear-cutting except when allowed by variance. It also proposed enacting a new definition of clearcutting.

LD 1395 Resolve, to Establish the Maine Council on Sustainable Silviculture ONTP

LD 1395**Resolve, to Establish the Maine Council on Sustainable Silviculture****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	ONTP MAJ OTP-AM MIN	

LD 1395 proposed a resolve to establish the Maine Council on Sustainable Silviculture. The resolve would charge the council with developing benchmarks and advising the Governor and Legislature concerning measurable benchmarks for sustainable silvicultural practices. The council would be directed to submit a draft report to the Legislature by October 15, 1998 and a final report by October 1, 1999. The Council would terminate on October 1, 1999.

Committee Amendment "A" (H-100) was the minority report. It would have changed dates for appointments and reports. It also would have added a fiscal note to the resolve.

LD 1405**An Act to Strengthen Laws Regarding Timber Theft and Timber Harvesting****PUBLIC 648**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	OTP-AM	H-1076 BUNKER H-951 S-571 KIEFFER

LD 1405 proposed requiring timber harvesters to obtain a license from the Department of Conservation, Bureau of Forestry. It proposed provisions for the revocation of a license and making a person ineligible for a license for a period of 3 years if that person unlawfully cuts trees on another person's land.

Committee Amendment "A" (H-951) proposed amending provisions in current law regarding harvesting notification forms and requiring that a trip ticket containing certain specified information accompany all wood hauled for sale. It proposed a study of workers' compensation laws relating to wood harvesting and the development of statewide standards to minimize the impact of wood harvesting on nonpoint source pollution.

House Amendment "A" to Committee Amendment "A" (H-1076) authorizes the joint standing committee of the Legislature having jurisdiction over labor matters to report out legislation regarding workers' compensation coverage in the wood harvesting industry to any session of the 119th Legislature.

Senate Amendment "A" to Committee Amendment "A" (S-571) amends the definition of "hauler" to include a person, company or other entity that owns a trailer on which wood is transported. It also requires any person transporting wood, not just wood for sale, to comply with the provision of the amendment.

Enacted law summary

Public Law 1997, chapter 648 amends provisions in current law regarding harvesting notification forms and requires that a trip ticket containing certain specified information accompany wood being transported. Firewood sales to retail consumers are exempt from the trip ticket requirement. This law requires the Workers' Compensation Board and the Maine Forest Service to study workers' compensation laws relating to wood harvesting and to report

harvesting on nonpoint source pollution and to report to the 119th Legislature on the use of best management practices for wood harvesting operations.

LD 1430 An Act to Regulate Professional Loggers

ONTP

<u>Sponsor(s)</u> KILKELLY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1430 proposed establishing the Maine State Board of Licensure for Professional Loggers as the regulatory body for the profession. The bill proposed qualifications for licensure including a two-year internship under the guidance of a licensed logger unless the person has graduated from an approved two-year curriculum and has completed at least two years of experience in logging work. Applicants would also have to pass a written examination approved by the board. The annual licensing fee would be determined by the board, but could not exceed \$55 annually.

Pursuant to the Maine Revised Statutes, Title 5, section 12015, subsection 3, an evaluation of the need for regulation of loggers was completed prior to committee action on this bill.

A related bill proposing loggers registration was amended to address timber theft and compliance with timber harvesting regulations. (See the bill summary for LD 1405.)

LD 1465 An Act to Limit Liquidation Harvesting

ONTP

<u>Sponsor(s)</u> SHIAH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1465 proposed requiring a permit for any harvesting of timber that would result in a clear-cut or understocked stand. The Department of Conservation would be authorized to grant permits only when harvesting was being proposed for one of four specified purposes. The bill proposed replacing the definitions section in the current forest practices laws, in particular, replacing the definition of “clear-cut” with a definition of “clear-cut or understocked stand” based on criteria set forth in stocking guides for the Northeast. This bill proposed a penalty section that increases the fines applicable for violations of forest harvesting regulations.

LD 1473 An Act to Amend the Laws Regarding Forest Practices

ONTP

<u>Sponsor(s)</u> CASSIDY BARTH	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1473 proposed amending the laws governing forest practices by limiting the maximum land area that could be clear-cut in any year and by providing that an individual clear-cut could not exceed 50 acres in total area for forest ownerships of more than 500 acres.

The bill proposed to amend the provisions governing the process by which a municipality may propose to adopt or amend a timber harvesting ordinance. The bill proposed adding eight foresters to the Maine Forest Service in the

Department of Conservation and requiring the department to hold 14 seminars per year, two at each of the seven campuses of the Maine Technical College System, to educate landowners and harvesters regarding forest practices.

LD 1518 **Resolve, to Establish the Maine Forest Policy Round Table Study Commission** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLENIK	ONTP MAJ OTP-AM MIN	

LD 1518 proposed a resolve to establish the Maine Forest Policy Round Table Study Commission. The resolve directs the commission to study key forest economic and labor issues. The commission would have been directed to issue a report that assesses problems and makes recommendations for changes in the State's forestry policy and to submit its report and necessary implementing legislation to the 119th Legislature by January 1, 2000.

Committee Amendment "A" (H-100) was the minority report. It proposed changing the report date for the Maine Forest Policy Round Table Study Commission and adding an appropriation section and a fiscal note to the resolve.

LD 1746 **An Act to Amend the Laws Relating to Development and Centralized Listing of Municipal Ordinances That Apply to Forest Practices** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY GREEN	OTP-AM MAJ ONTP MIN	

LD 1746 proposed amending the laws relating to development of municipal timber harvesting ordinances by requiring the ordinances to be consistent with the definitions for forestry terms established in the Maine Revised Statutes, Title 12, section 8868 as well as those in rules adopted by the Department of Conservation. It proposed clarifying that a municipality may not adopt an ordinance with standards less stringent than the standards established in state law and rules adopted in accordance with state law. It proposed changes to the notice and hearing procedures for adopting municipal timber harvesting ordinances and specifying a 30-day period within which the validity of the adoption of a timber harvesting ordinance could be challenged based on an alleged failure to comply with certain notice requirements.

Committee Amendment "A" (S-527) was the majority report of the committee. This amendment proposed changing the date by which municipal ordinances must comply with a standard for definitions and adding a fiscal note to the bill.

LD 1766 **An Act to Improve Management of Maine's Forests** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIAH	ONTP MAJ	
	OTP-AM MIN	

LD 1766 proposed to establish a new forest policy for the State. It proposed to establish a permit-by-rule procedure for clear-cutting, to increase the minimum basal area required for a timber harvest not to qualify as a clear-cut, to require that clear-cutting have a silvicultural justification and to set limitations on the size and arrangement of clear-cuts, with some exemptions provided for smaller holdings. The bill also proposed establishing the Sustainable Forest Management Audit Program within the Department of Conservation for ownerships greater than 100,000 acres in size to ensure the maintenance and enhancement of timber sustainability, the economic viability of forest management and the State's forest biodiversity. It proposed changes to the Bureau of Forestry's natural resource education program and directing the bureau's natural resource educator to develop partnerships and funding sources for creating new natural resource education initiatives for the public.

The bill proposed authorization of an ecological forest reserve on public lands, totaling between 8,000 and 10,000 acres. It also proposed directing the Maine Forest Service to undertake a study of liquidation harvesting and make recommendations to further restrict the practice.

Committee Amendment "A" (H-980) was the minority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. This amendment would have replaced the bill.

The amendment proposes several changes relating to clear-cuts, standards for residual stocking and sustainable harvest levels and certification through a review program.

With respect to clear-cuts and clear-cutting activities, the amendment proposed reducing from 250 acres to 75 acres the maximum size of a clear-cut and reducing the threshold size of a clear-cut from five acres to one acre. It also would have required landowners who hold 100,000 or more acres of forest land to get a permit from the Maine Forest Service before any clear-cutting activity and would have prohibited such landowners from clear-cutting more than 0.25 of their land in any one year. Clear-cuts would have to be separated by a clearly defined separation zone at least equal to 1 1/2 times the area of the associated clear-cut.

With respect to stocking standards and harvest levels, the amendment would have required that all harvests by large landowners leave adequate residual stocking. A permit from the Maine Forest Service would have been required before a large landowner could undertake any harvesting that would result in stocking levels below the applicable United States Forest Service C line standard or below the standards adopted by the commissioner. The amendment would have prohibited large landowners from exceeding sustainable harvesting levels based on growth, yield and other relevant criteria.

With respect to certification requirements, the amendment would have established a 10-member Sustainable Forest Management Program Board to develop benchmarks for a review program required for large landowners after January 1, 2000.

LD 1852

An Act to Reorganize and Clarify the Laws Relating to the Establishment, Powers and Duties of the Bureau of Parks and Lands

PUBLIC 678

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM MAJ	S-501
BUNKER	OTP-AM MIN	S-551 KILKELLY

LD 1852 proposed clarifying the establishment, powers and duties of the new Bureau of Parks and Lands without altering the essential missions, powers and purposes of the 2 former bureaus. This bill proposed repealing certain provisions of law and consolidating various bureau programs into one chapter, Maine Revised Statutes, Title 12, chapter 220. Public Law 1995, Chapter 502, An Act to Implement the Recommendations of the Productivity Realization Task Force, combined the Bureau of Public Lands and the Bureau of Parks and Recreation within the Department of Conservation. Section E-9 of P. L. 502 directed the Department of Conservation to review relevant statutes for the two bureaus and submit a proposal to the Legislature for a unified statute on the establishment, powers and duties of the Bureau of Parks and Lands. LD 1852 was submitted as that proposal.

Committee Amendment "A" (S-501) was the majority report. It proposed technical changes to the bill to clarify language and reenacting certain language in current law that was omitted from the bill. In addition, it proposed removing authorization in the bill for the state park campsite reservation system to be administered by a 3rd-party contractor. It proposed authorizing the Director of the Bureau of Parks and Lands to conduct a sunken log salvage program.

Committee Amendment "B" (S-502) was the minority report. It proposed revisions identical to those of the majority report. In addition, it proposed removing language authorizing the Bureau of Parks and Lands to enter lands for the purpose of making surveys and examinations.

Senate Amendment "A" (S-551) proposed amending the right -of -entry provisions for the Bureau of Parks and Lands removing the authority of the bureau to enter upon premises to make surveys and other necessary examinations. Agents of the bureau would be authorized to enter upon lands and waters for these purposes. This amendment also proposed clarifying that written approval is required prior to herbicide application in the Allagash Waterway.

Enacted law summary

Public Law 1997, chapter 678 clarifies the establishment, powers and duties of the new Bureau of Parks and Lands. It does not alter the essential purposes and practices of the bureau's programs. It does make the following substantive changes from current law:

1. Consent of the Commissioner of Conservation is added to that of the Governor for the charging of user fees, acquisition and conveyance of state parks and historic sites, the granting of licenses and permits for use of state park and historic site lands, and acquisition of land for the Maine Trails System.
2. The bureau is given specific authority to transfer management of state park and historic site lands to other agencies or accept such responsibility from other agencies with the consent of the Commissioner of Conservation and the Governor.
3. Specific authority is given to the bureau to administer the Forest Recreation Resource Fund and to receive income from campsites administered under this program on all lands within its jurisdiction for that fund, which presently receives income only from bureau lands.
4. Obsolete language is deleted or amended regarding control of fires, lifeguard training, an official bureau seal and care of certain properties transferred from the Federal Government.

5. A general policy on public access to nonreserved lands is added similar to the one that already exists for public reserved lands.
6. It establishes that the Nonreserved Public Lands Management Fund accrues interest in the same manner as the Public Reserved Lands Management Fund.
7. It requires the director to give notice of proposed sales of nonreserved public lands similar to the notice required for public reserved lands.
8. To be consistent with penalties for violation of rules on other bureau lands, violation of rules regarding the Allagash Wilderness Waterway is changed from a civil violation to a Class E crime.
9. Permitted use of the ATV Recreational Management Fund is expanded to include land purchases for use as ATV trails.
10. It authorizes a sunken log salvage program.

It also changes references in the Maine Revised Statutes to coincide with the new chapter, updates obsolete language and makes technical corrections.

LD 1874

An Act Regarding Nutrient Management

**PUBLIC 642
EMERGENCY**

Sponsor(s)
PARADIS

Committee Report
OTP-AM

Amendments Adopted
S-604

LD 1874, "An Act to Establish Limitations on Swine-feeding Operations," proposed establishing limits on swine feeding operations located within jurisdiction of the Maine Land Use Regulation Commission. It was based on South Carolina law. It proposed provisions for permitting of animal-feeding operations. It proposed minimum separation distances between waste storage ponds and land owned by another person, drinking water wells, and bodies of water. It would have prohibited locating a new animal feeding operation in the 100-year floodplain unless certain conditions were met and certifications received. It would have required the Maine Land Use Regulation Commission to adopt rules relating to land application rates for animal wastes for animal-feeding operations that exceeded a certain capacity. It proposed directing the commission to require remediation of undesirable levels of odor.

Committee Amendment "A" (S-604) proposed replacing the original bill and changing the title to "An Act Regarding Nutrient Management". It proposed requiring nutrient management plans for certain operations, establishing a nutrient management review board and a requiring a permit for certain livestock operations.

Enacted law summary

Public Law 1997, chapter 642, "An Act Regarding Nutrient Management", does the following:

1. Establishes the Nutrient Management Review Board to review and approve rules and to hear appeals relating to permitting decisions;
2. Requires certain farms to have a nutrient management plan that meets the criteria established in statute and in rules adopted by the Commissioner of Agriculture, Food and Rural Resources. Plans are required beginning December 1, 1998 for new farm operations. Other farms that are operational on the effective date of this legislation are not required to have a nutrient management plan until January 1, 2001 and are not required to implement the plan until October 1, 2005. If an existing operation requires a livestock operations permit from the Department of Agriculture, Food and Rural Resources, a nutrient management plan will be required as part of the permitting criteria;
3. Requires certain farms to obtain livestock operations permits from the Department of Agriculture, Food and Rural Resources. Permit requirements take effect May 1, 1999. The department is directed to adopt rules to establish a process for application review and issuing permits. The department is directed to provisionally adopt these rules and submit them to the Legislature no later than January 1, 1999 for review as major substantive rules.
4. Proposes additional regulation of large concentrated animal feeding operations. The State Planning Office, the Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection and the Maine Land Use Regulation Commission are directed to further study large concentrated animal feeding operations and to recommend a permitting process to regulate such operations. The Director of the State Planning Office is to coordinate and staff this study. The Department of Agriculture, Food and Rural Resources, the Department of Environmental Protection and the Maine Land Use Regulation Commission are authorized to provisionally adopt rules to establish a permitting procedure for new and expanding confined animal feeding operations that have more than 1,000 animal units. They are directed to submit provisional rules and recommendations for any legislation necessary to implement a permitting process for farms meeting the criteria of a large concentrated animal feeding operation. The report and provisional rules must be submitted to the Legislature no later than December 15, 1998;
5. Imposes a moratorium on swine feeding operations. From the effective date of this legislation until 90 days after the adjournment of the First Regular Session of the 119th Legislature, a person may not construct or operate a new swine feeding operation that confines and feeds more than 500 swine. As written, this moratorium does not prohibit a farmer who was raising swine on March 1, 1998 from expanding beyond 500 swine during the moratorium period;
6. Prohibits winter spreading of manure. Beginning on December 1, 1999, the spreading of manure or spraying of liquid manure is prohibited statewide between December 1st and March 15th. The commissioner may grant a variance;
7. Establishes a Nutrient Management Fund to receive funds from any source to be used to implement the nutrient management laws;
8. Authorizes legislation. The joint standing committee having jurisdiction over agricultural matters is authorized to report out legislation during the First Regular Session of the 119th Legislature relating to large concentrated animal feeding operations and to improve the implementation, administration and enforcement of the nutrient management laws; and
9. Directs the Department of Agriculture, Food and Rural Resources to report on the impact of agriculture on nonpoint source pollution to the 120th Legislature.

Chapter 642 was enacted as an emergency measure effective March 31, 1998.

LD 1907 An Act Regarding Short-rotation Tree Fiber Farming and ONTP
Genetically Engineered Trees

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FERGUSON	ONTP	

LD 1907 proposed definitions of "genetically engineered tree" and "short rotation tree fiber farming" and exempting short rotation tree fiber farming from the rules established by the Commissioner of Conservation to implement forest practices laws under the Maine Revised Statutes, Title 12, chapter 805, subchapter III-A.

LD 1942 Resolve, Authorizing the Transfer of Certain State Park Property RESOLVE 87

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WINSOR BENNETT	OTP	

LD 1942 proposed transferring certain property from the State to the Town of Norway. The property was purchased by the Bureau of Parks and Recreation in 1973 and has been managed by the Town of Norway as a public park and boat launching area since acquisition by the State.

Enacted law summary

Resolve 1997, chapter 87 transfers 57 acres of land in the Town of Norway from the State to the Town of Norway to be used for a public park and boat launch.

LD 2004 An Act to Ensure Long-term Funding of the Maine Agricultural PUBLIC 711
Experiment Station Research Farms Connected with Land Grant
Colleges

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GREEN TREAT	OTP-AM	H-1029 GREEN H-929 S-605 KILKELLY

LD 2004 proposed requiring the University of Maine at Orono Land Grant College to establish a line item for the Maine Agricultural Experiment Station research farms, to fund the research farms with funding equal to or exceeding 1995 levels. The bill proposed creating a Board of Agriculture to manage the farms, oversee the development of long-range plans for the agricultural experiment station farms, research programs and Cooperative Extension Service programs and coordinate activities with existing agricultural commodity organizations interested in, or currently supporting, research at the research farms.

Committee Amendment "A" (H-929) proposed language to clarify that final authority for administration of the Maine Agricultural Experiment Station rests with the Director of the Maine Agricultural Experiment Station. It proposed removing the emergency preamble from the bill and placing in unallocated law a directive to the Board of Trustees of the University of Maine System regarding funding for the experimental farms within the Maine Agricultural Experiment Station. It proposed language clarifying those programs on which the Board of Agriculture is to advise the Chancellor of the University of Maine System and the President of the University of Maine. It proposed adding to the Board of Agriculture a member to represent a statewide organic farmers and growers association and the Director of the University of Maine Cooperative Extension Service. It proposed removing the directive that the long-range plan developed by the Board of Agriculture include plans for regionalizing extension facilities.

House Amendment "A" to Committee Amendment "A" (H-1029) proposes that the President of the Senate and the Speaker of the House each appoint one member of the joint standing committee of the Legislature having jurisdiction over agricultural matters to the Board of Agriculture established within the University of Maine. The original bill proposed that the President and the Speaker jointly appoint these members.

Senate Amendment "A" to Committee Amendment "A" (S-605) proposed a correction in the name of an agricultural advisory committee with which the Board of Agriculture is directed to consult.

Enacted law summary

Public Law 1997, chapter 711 establishes the Board of Agriculture within the University of Maine to advise the Chancellor of the University of Maine System and the President of the University on operation and management of agricultural research conducted by the Maine Agricultural Experiment Station. It requires the Board of Agriculture to report annually to the joint standing committee of the Legislature having jurisdiction over agricultural matters. It directs the Board of Trustees of the University of Maine System to strive to increase funds to the experimental farms.

LD 2006 An Act to Expand the Potato Licensing Laws to Include Rotation PUBLIC 606 **Crops**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KNEELAND KIEFFER	OTP-AM	H-817

LD 2006 proposed expanding the licensing requirements under the Maine potato laws to include small grains and flax, which are traditionally used as rotation crops for the production of potatoes.

Committee Amendment "A" (H-817) proposed adding soybeans to the definition of rotation crops, raising the maximum bonding level to \$400,000 for dealers involved in buying and selling both potatoes and rotation crops and striking the section of the bill relating to inspections and guarantees of rotation crops.

Enacted law summary

Public Law 1997, chapter 606 requires persons who buy, solicit or negotiate the sale of crops grown in rotation with potatoes to be licensed. It raises the maximum bonding level to \$400,000 for dealers involved in buying and selling both potatoes and rotation crops

LD 2017 An Act to Provide Access to Veterinary Education for Maine Students PUBLIC 765

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY CHICK	OTP-AM	S-725 MICHAUD

LD 2017 proposed amending the laws governing the program under which the Finance Authority of Maine secures access for Maine residents at institutions of allopathic and osteopathic medicine by expanding the program to include access for students of veterinary medicine.

Committee Amendment "A" (S-456) proposed adding an appropriation section and a fiscal note to the bill.

Senate Amendment "A" (S-725) proposed decreasing from 2 to 1, the number of positions secured annually for Maine students of veterinary medicine.

Enacted law summary

Public Law 1997, chapter 765 directs the Finance Authority of Maine to secure one position annually for students at a school of veterinary medicine. It appropriates \$12,500 to secure a position in fiscal year 1998-99.

LD 2020 An Act to Honor Dairy Farmers' Right to Know ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY CHICK	ONTP	

LD 2020 proposed requiring a milk dealer to provide certain information to a milk producer when monthly payment for milk is made.

LD 2069 An Act to Improve Public Health Protection Against Rabies Infection PUBLIC 704

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP-AM	S-577

LD 2069 proposed enforcement procedures for rabies prevention. It proposed clarifying the definition of wolf hybrid and the declaration of species at the time of licensure of that animal. It proposed requiring the immediate killing of a wolf hybrid having bitten a person or domestic animal and suspected of having rabies. It also proposed

authorizing animal control officers to enforce rabies protection measures and establishing a penalty for noncomplaint owners.

Committee Amendment "A" (S-577) proposed technical changes to the definition of "wolf hybrid". It proposed amendments to rabies vaccination requirements for cats and a fine for a violation of the mandatory feline vaccination. It proposed clarifications regarding licensing of wolf hybrids. It proposed amending the bill to require a wolf hybrid to be removed immediately and euthanized for testing when the wolf hybrid has bitten a person or domestic animal and is suspected of having rabies. The original bill proposed the animal be killed immediately. The amendment proposed language clarifying the provisions for court orders for removal of animals when an owner does not comply with confinement orders or other actions required by rule to prevent rabies.

Enacted law summary

Public Law 1997, chapter 704 requires a wolf hybrid that has bitten a person or domestic animal and is suspected of having rabies to be removed immediately and euthanized for testing. If the animal control officer, local health officer, game warden or law enforcement officer believes the animal poses an immediate threat, the animal control officer, local health officer, game warden or law enforcement officer may immediately kill the animal. It requires rabies vaccine boosters for cats at intervals specific to the vaccine administered. It allows a medical exemption from the requirement that a cat be vaccinated for rabies. It provides for a fine of not more than \$100 for a violation of the mandatory feline vaccination. It allows a municipal clerk to issue a dog license for a wolf hybrid without proof that the wolf hybrid has been immunized. It requires a license issued for a wolf hybrid or a dog represented as a wolf hybrid to state that the dog is a wolf hybrid.

It enacts a procedure for obtaining a court order to remove an animal when the owner has not complied with requirements established by rule for quarantine or euthanasia of the animal. It allows a municipality to record a lien against the property of an animal's owner if the owner fails to pay the costs of confining an animal.

LD 2172

An Act to Provide for the Licensing, Inspection and Labeling of Farmstead Cheese

PUBLIC 639

Sponsor(s)
GOLDTHWAIT
PIEH

Committee Report
OTP-AM

Amendments Adopted
S-500

LD 2172 proposed requiring the Department of Agriculture, Food and Rural Resources to inspect the processing of farmstead cheese and to establish rules for the labeling and licensing of farmstead cheese. It proposed limiting the sale of the farmstead cheese.

Committee Amendment "A" (S-500) proposed language to clarify the provisions proposed in the original bill.

Enacted law summary

Public Law 1997, chapter 639 requires the Department of Agriculture, Food and Rural Resources to inspect the production of farmstead cheese. It requires the department to establish rules for the labeling of farmstead cheese and the licensing of producers. It restricts sale of farmstead cheese to the farm where it was produced, farmers' markets and farm stands.

LD 2194

An Act to Change the Name of the Knox Agricultural Society

**P & S 66
EMERGENCY**

Sponsor(s)
SAVAGE

Committee Report
OTP

Amendments Adopted

LD 2194 proposed changing the name of the Knox Agricultural Society to the Union Fair Society/State of Maine Wild Blueberry Festival and amending its charter.

Enacted law summary

Private and Special Law 1997, chapter 66 changes the name of the Knox Agricultural Society to the Union Fair Society/State of Maine Wild Blueberry Festival. It also amends the charter so that members may elect any person as a member of the society, not just residents of towns within Knox County. Chapter 66 was enacted as an emergency measure effective March 18, 1998.

LD 2217

An Act to Authorize the Director of the Bureau of Parks and Lands to Grant a License for Groundwater Extraction at Range Ponds State Park

PUBLIC 641

Sponsor(s)
SNOWE-MELLO
CLEVELAND

Committee Report
OTP-AM

Amendments Adopted
H-903

LD 2217 proposed authorizing the Director of the Bureau of Parks and Lands to grant a license to the Poland Spring Water Co. for commercial extraction of groundwater at Range Ponds State Park in Poland, Maine. It proposed requiring that revenues generated by groundwater extraction at Range Ponds State Park be deposited into the Maine State Parks and Recreational Facilities Development Fund. It proposed changing the name of and amending statutory provisions relating to the Maine State Parks Development Fund.

Committee Amendment "A" (H-903) proposed adding a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 641 authorizes the Director of the Bureau of Parks and Lands to grant a license to the Poland Spring Water Co. for commercial extraction of groundwater at Range Ponds State Park in Poland, Maine. It requires that revenues generated by groundwater extraction at Range Ponds State Park be deposited into the Maine State Parks and Recreational Facilities Development Fund. It changes the name of the Maine State Parks Development Fund to the Maine State Parks and Recreational Facilities Development Fund and broadens the allowed uses of the funds. It specifies that interest earned on money in the fund must be credited to the fund.

LD 2236

Resolve, Regarding Legislative Review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a Major Substantive Rule of the Department of Conservation

**RESOLVE 101
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2236 provided for legislative review of Chapter 501: Exemptions to Fire Bans and Permit Requirements for Outdoor Fireplaces and Grills, a major substantive rule of the Department of Conservation.

Enacted law summary

Resolve 1997, chapter 101 gives legislative approval to major substantive rules provisionally adopted by the Department of Conservation regarding exemption to fire bans and permit requirements for outdoor fireplaces and grills. Chapter 101 was enacted as an emergency measure effective March 30, 1998.

**LD 2254 Resolve, Authorizing Certain Land Transactions by the Bureau of RESOLVE 102
Parks and Lands**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
DEXTER KILKELLY		H-969

LD 2254 proposed authorizing 2 land transactions by the Director of the Bureau of Parks and Lands within the Department of Conservation.

Committee Amendment "A" (H-969) proposed adding an allocation section and a fiscal note to the resolve.

Enacted law summary

Resolve 1997, chapter 102 authorizes 2 land transactions by the Director of the Bureau of Parks and Lands within the Department of Conservation. It authorizes the sale of the State's fee interest in land in Cortez, Montezuma County, Colorado conveyed to the State in 1969 through the will of Percival Proctor Baxter. It requires that proceeds from sale of the Colorado property be invested in the Mackworth Island Trust. It authorizes the Bureau of Parks and Lands to use income and principal from the trust to manage property under the bureau's care on Mackworth Island in Falmouth, Maine.

It authorizes an exchange of the State's interest in land and other consideration for lands now owned by Huber Resources Corporation. The exchange allows the Bureau of Parks and Lands to convey common and undivided interest in approximately 3,058 acres in 3 townships in northern Maine and acquire approximately 2,491 acres. Of the 2,491 acres to be acquired by the State, 2,474 acres are adjacent to the Bigelow Preserve, an existing Public Reserved Lands Unit.

**LD 2264 An Act to Promote and Encourage the Cultivation of Cranberries in P & S 93
the State**

<u>Sponsor(s)</u> BUNKER KILKELLY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1006
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LD 2264 proposed to promote the cultivation of cranberries in the State specifically authorizing an integrated pest management program for cranberries. The bill proposed an appropriation of \$80,000 to the Integrated Pest Management Fund for a University of Maine Cooperative Extension integrated pest management program.

Committee Amendment "A" (H-1006) proposed appropriating \$50,000 directly to the University of Maine Cooperative Extension Service for an integrated pest management program for cranberries.

Enacted law summary

Private & Special Law 1997, chapter 93 appropriates \$50,000 directly to the University of Maine Cooperative Extension Service for an integrated pest management program for cranberries.

LD 2273 An Act to Amend the Animal Welfare Laws PUBLIC 690

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u> S-567 KILKELLY
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LD 2273 proposed clarifications and technical changes and corrects cross-references in the animal welfare laws. In addition, it proposed several substantive changes in the animal welfare laws. This bill was reported by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Public Law 1997, chapter 456, section 21.

Senate Amendment "A" (S-567) proposed reinstating language that gives a veterinarian the ability to authorize immediate euthanasia if there is no possibility of recovery for a severely sick or injured animal and language granting a veterinarian immunity from civil liability for performing an immediate euthanasia under those circumstances.

Enacted law summary

Public Law 1997, chapter 690 makes technical changes and corrects cross references in the animal welfare laws. It addition it makes the several substantive changes to the animal welfare laws. It amends the definition of breeding kennel to include cats. It allows an animal control officer to take a dog running-at-large to an animal shelter when the owner is known if the dog has been found running-at-large 3 or more times in a 6-month period. The animal control officer is required to notify the owner within 24 hours of taking the dog to an animal shelter. It amends certain provisions pertaining to euthanasia. It increases fines for violations pertaining to controlling dogs. It removes the requirement that a dog wear a rabies tag. It clarifies the provisions for inspecting facilities. It allows an animal shelter to charge a fee of \$1 for issuing a temporary license. It removes the requirement that notices of violations of licensing provisions be sent by certified mail, return receipt requested. It includes an assault against a domesticated animal as well as an assault against a person in the provisions pertaining to dangerous dogs. It repeals provisions in the statutes regarding ferrets. It increases from 6 hours to 12 hours the time a person has to remove an animal in violation of the trespass law. It allows a court to order restitution to a person whose property is damaged by a trespassing animal. It amends the definition of "pet dealer" and certain provisions relating to the sale of dogs and cats.

It increases the minimum mandatory fine from \$100 to \$250 for criminal cruelty to animals. It makes cruelty to birds a Class D crime with a minimum mandatory fine of \$100. It provides for a minimum mandatory fine of \$500 for animal fighting.

LD 2284

An Act to Implement Recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry Relating to the Review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act

INDEF PP

Sponsor(s)

Committee Report

Amendments Adopted

LD 2284 proposed implementing the recommendations of the Joint Standing Committee on Agriculture, Conservation and Forestry relating to its review of the Department of Agriculture, Food and Rural Resources under the State Government Evaluation Act. It proposed eliminating the designation of 5 management positions within the Department of Agriculture, Food and Rural Resources as major policy-influencing positions. It proposed appropriating funds to the Division of Market and Production Development, within the Department of Agriculture, Food and Rural Resources, to enhance services to Maine's agricultural producers and to promote Maine agricultural products.

Public Law 1997, chapter 643, the supplemental budget for fiscal years 1998 and 1999, eliminated the designation of 6 management positions within the Department of Agriculture, Food and Rural Resources as major policy-influencing positions. (P. L. 97, c. 643, Part N, section NN-1.)

LD 2286

An Act to Implement the Recommendations of the Majority of the Joint Standing Committee on Agriculture, Conservation and Forestry Regarding Enhancing Forest Resource Assessment

PUBLIC 720

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2286 was the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed revisions to the current forest practices act. It proposed requiring the Bureau of Forestry to collect additional information and submit additional reports. It proposed amending provisions for landowner reports. For the Minority Report, see the bill summary for LD 2287.

Enacted law summary

Public Law 1997, chapter 720 reauthorizes rulemaking to implement the forest practices laws. It amends the definition of "clear-cut" to simplify implementation and enforcement of restrictions on clear-cuts. It enacts definitions for "parcel" and "separation zone." It removes the requirement that 50 cords be harvested to qualify as timber harvesting. It creates minimum standards for separation zones and allows more stringent standards to be adopted by rule for clear-cuts greater than 35 acres. It requires a management plan for clear-cuts over 35 acres and requires the plan to state the purpose of the clear-cut.

It makes revisions to the provisions of the Forest Resource Assessment Program. It directs the Bureau of Forestry to establish a process to assess forest sustainability including the development of standards in 7 areas and a monitoring system. It provides for annual collection of inventory data and for an inventory cycle of not more than 5 years. It provides for the use of remote sensing technology and modeling to assess timber supply. It repeals the current provisions for reports and recommendations from the Forest Resources Assessment Program. It requires the Director of the Bureau of Forestry to prepare and publish an annual report summarizing clearcutting activities and a biennial report on the State's forests.

It allows alternate forms for reporting harvesting information. It requires a landowner to state the purpose of a clear-cut on the landowner harvest report. It requires a person filing a notification of intent to harvest to complete and submit the harvest report whether or not timber was harvested during the year. It changes from semiannually to annually the required report on stumpage prices published by the Bureau of Forestry.

Note: Additional funding for the Bureau of Forestry was included in the supplemental budget upon recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry. (See Public Law 1997, chapter 643) Section S-5 appropriates \$405,886 to the Department of Conservation for additional positions and resources for enforcement of forest practices laws and establishing an annual forest inventory program.

LD 2287

**An Act to Implement the Recommendations of a Minority of the
Joint Standing Committee on Agriculture, Conservation and
Forestry Regarding Enhancing Forest Resource Assessment**

**DIED IN
CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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LD 2287 was a minority of the Joint Standing Committee on Agriculture, Conservation and Forestry. It proposed an annual collection of inventory data and for an inventory cycle of not more than 5 years. It proposed provisions for the use of remote sensing technology and modeling to assess timber supply. It proposed requiring the Bureau of Forestry to collect additional information and submit additional reports. It proposed amending provisions for landowner reports. For the Majority Report, see the bill summary for LD 2286.

Note: Additional funding for the Bureau of Forestry was included in the supplemental budget upon recommendation of the Joint Standing Committee on Agriculture, Conservation and Forestry. (See Public Law 1997, chapter 643) Section S-5 appropriates \$405,886 to the Department of Conservation for additional positions and resources for enforcement of forest practices laws and establishing an annual forest inventory program.